

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In Re:

Case No.: 16-13100-MBK

Bruce Wayne Morris,

Judge: Michael B. Kaplan

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

☐ Original

☒ Third Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: June 30, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1,675.00 per month to the Chapter 13 Trustee, starting on August 1, 2017 for approximately 44 months. \$24,318.60 paid to date.

b. The debtor shall make plan payments to the Trustee from the following sources:

☐ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☒ Loan modification with respect to mortgage encumbering property:

Description: 17 Garretson Drive, Franklin Park, New Jersey 08823

Proposed date for completion: Order entered 4/24/17

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. \$4,369.79 to Citi (served by Shellpoint) beginning April 1, 2017.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Albert Russo, Chapter 13 Trustee	Administrative	Trustee Commission
Gorski & Knowlton, PC	Administrative	\$2,000.00 retainer balance plus fees as awarded by Court 10/27/16 \$5,292.13 plus additional fees per future fee application.

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Citi (MTGLQ serviced by Shellpoint) regular monthly payments of \$4,369.79 on modification loan.

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Secured
- 3) Priority
- 4) Unsecured

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: June 16, 2016.

Explain below **why** the plan is being modified:

1. Citibank/MTGLQ (shellpoint) loan modification order entered 4/24/17.

Explain below **how** the plan is being modified:

1. Part 1d, 46 and 4d revised to reflect loan modification order 4/24/17.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 6/30/17

/s/ Allen I. Gorski

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 6/30/2017

/s/ Bruce Wayne Morris

Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Bruce Wayne Morris  
 Debtor

Case No. 16-13100-MBK  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 21

Date Rcvd: Jul 06, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 08, 2017.

db +Bruce Wayne Morris, 17 Garretson Drive, Franklin Park, NJ 08823-1423  
 516010958 AMERICAN EXPRESS, P.O. Box 6985, Buffalo, NY 14240-6985  
 516188770 AMERICAN EXPRESS BANK, FSB, C/O BECKET AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701  
 516042734 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)  
 516042735 #+Bank of America, P.O. Box 53150, Phoenix, AZ 85072-3150  
 516120752 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284  
 516010963 CHASE, P.O. Box 15298, Wilmington, DE 19850-5298  
 516010956 CITI, P.O. Box 6243, Sioux Falls, SD 57117-6243  
 516010962 CITIBUSINESS CARD, P.O. Box 6235, Sioux Falls, SD 57117-6235  
 516042737 +Citibusiness, PO Box 6284, Sioux Falls, SD 57117-6284  
 516010964 +FEDERAL NATIONAL MORTGAGE ASSOCIATION, PLUESE, BECKER & SALTZMAN, LLC,  
 2000 Horizon Way, Suite 900, Mt. Laurel, NJ 08054-4303  
 516042736 +JPMorgan Chase, PO Box 15123, Wilmington, DE 19850-5123  
 516264427 +MTGLQ Investors, L.P., c/o Shellpoint Mortgage Servicing, PO Box 10826,  
 Greenville, SC 29603-0826  
 516010959 +VERIZON, 455 Duke Drive, Franklin, TN 37067-2701

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 06 2017 22:58:12 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 06 2017 22:58:09 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516137519 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jul 06 2017 23:02:59  
 American InfoSource LP as agent for, Verizon, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 516274684 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 06 2017 23:03:14  
 Portfolio Recovery Associates, LLC, c/o Bank Of America, POB 41067, Norfolk VA 23541  
 516274711 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jul 06 2017 23:14:31  
 Portfolio Recovery Associates, LLC, c/o Mbn, POB 41067, Norfolk VA 23541  
 516010957 E-mail/Text: bankruptcy@pseg.com Jul 06 2017 22:57:14 PSE&G, P.O. Box 790,  
 Cranford, NJ 07016-0790  
 516010960 +E-mail/Text: bankruptcy@td.com Jul 06 2017 22:58:15 TD BANK, 32 Chestnut Street,  
 Lewiston, ME 04240-7799

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516010961 ##BANK OF AMERICA, P.O. Box 15026, Wilmington, DE 19850-5026

TOTALS: 0, \* 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
 While the notice was still deliverable, the notice recipient was advised to update its address with the court  
 immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 08, 2017

Signature: /s/Joseph Speetjens



District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 21

Date Rcvd: Jul 06, 2017

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 30, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Allen I Gorski on behalf of Debtor Bruce Wayne Morris agorski@gorskiknowlton.com  
Denise E. Carlon on behalf of Creditor MTGLQ INVESTORS, L.P. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Jeanette F. Frankenberg on behalf of Creditor Seterus Inc. as servicer for Federal National  
Mortgage Association ("Fannie Mae") cmecf@sternlav.com  
Steven P. Kelly on behalf of Creditor MTGLQ INVESTORS, L.P. skelly@sterneisenberg.com,  
bkecf@sterneisenberg.com

TOTAL: 6